

Derek A. King, M.S., P.E.  
08/19/2024

Page 1

UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF WYOMING

STEPHANIE WADSWORTH, )  
individually and as )  
Parent and Legal ) CASE NO.  
Guardian of W.W., K.W., ) 2:23-cv-00118-NDF  
G.W., and L.W., minor )  
children, and MATTHEW )  
WADSWORTH, )  
Plaintiffs, )  
v. )  
WALMART, INC. and JETSON )  
ELECTRIC BIKES, LLC, )  
Defendants. )

ORAL DEPOSITION OF

DEREK A. KING, M.S., P.E.

MONDAY, AUGUST 19, 2024

REPORTED BY:

DEBRA A. DIBBLE, FAPR, RDR, CRR, CRC, Notary Public

California CSR 14345

JOB NO. 44990

Derek A. King, M.S., P.E.  
08/19/2024

Page 70

1 possible -- a possible fire hazard.

2 Q. Okay.

3 A. But that's the extent of my recollection.

4 Q. So it sounds like your knowledge of the  
5 recall on the Rogue model is more general as opposed  
6 to any in-depth analysis that you've done on that  
7 issue.

8 A. Correct.

9 Q. Do you even know what type of battery  
10 cells the Rogue model had compared to the Plasma?

11 A. No.

12 Q. You are aware from reviewing Mr. Husain's  
13 deposition testimony from Jetson that the battery  
14 cells were from a different manufacturer?

15 A. That sounds familiar, him saying so.

16 Q. So the battery manufacturer that we have  
17 for the Plasma model is --

18 MR. LAFLAMME: I'm just going to let  
19 you type that.

20 BY MR. LAFLAMME:

21 Q. -- Jiangxi Jiuding Power.

22 MR. LAFLAMME: And that's probably  
23 good enough.

24 BY MR. LAFLAMME:

25 Q. I'm going to try to say this

Derek A. King, M.S., P.E.  
08/19/2024

Page 71

1 phonetically. Is -- actually, I'm not even going to  
2 try to say it.

3 The battery manufacturer is listed on the  
4 first page of Exhibit 74, correct?

5 A. Yes.

6 Q. And you don't know whether that's the  
7 same battery manufacturer for the lithium-ion  
8 battery cell that was involved in the Rogue model,  
9 correct?

10 A. Correct.

11 Q. And you did not do anything to assess  
12 that issue?

13 A. Correct.

14 Q. All right. Going to page 8.

15 A. Of which?

16 Q. Oh, I'm sorry. Of your PowerPoint, which  
17 is Exhibit 72. All right.

18 Looking at page 8 of Exhibit 72, this is  
19 what appears to be just a comparison from the  
20 exemplar compared to the subject unit, correct?

21 A. Yes.

22 Q. And then if we go to page 9 of your  
23 PowerPoint, this is when you remove the exemplar  
24 battery pack, correct?

25 A. Yes.

Derek A. King, M.S., P.E.  
08/19/2024

Page 191

1 those individual cells, correct?

2 A. Yes.

3 Q. And they had a failure of the separator  
4 at substantially the same time to the extent that  
5 they both short-circuited at substantially the same  
6 time.

7 That's your theory, correct?

8 A. That's what it -- that's what it appears  
9 to be.

10 Q. Have you ever had another case where two  
11 individual cells short-circuited at the same time?

12 A. No.

13 Q. That would be pretty unusual, wouldn't  
14 it?

15 MR. AYALA: Form.

16 A. It's unusual, so far.

17 BY MR. LAFLAMME:

18 Q. Meaning you have to have an individual  
19 failure within cell 4, at substantially the same  
20 time as you have an individual but completely  
21 separate failure at cell 10, correct?

22 A. Yes.

23 Q. That's what you're saying in this case.

24 MR. AYALA: Form.

25 He's said what he's saying.

Derek A. King, M.S., P.E.  
08/19/2024

Page 192

1 A. Yes. Yes. I believe it's a coincidence,  
2 but that's what appears to have occurred.

3 BY MR. LAFLAMME:

4 Q. Have you done any research to determine  
5 the percentage chance of that coincidence?

6 A. No.

7 MR. AYALA: Form.

8 BY MR. LAFLAMME:

9 Q. The individual cell itself, the  
10 conditions that we see cells 4 and 10 in after the  
11 fire, those conditions would have the same  
12 appearance if it was an external fire attack as  
13 well, correct?

14 A. Yes. For those individual cells, yes.

15 Q. Meaning when lithium-ion battery cells  
16 fail in a fire due to a fire attack, the appearance  
17 is similar to what we see the two cells that have  
18 failed in this case.

19 A. Yes.

20 Q. You were asked if it's possible to have a  
21 short -- an internal short with the cell -- or,  
22 sorry, with the hoverboard not plugged in.

23 Do you recall that?

24 A. Yes.

25 Q. You'd agree with me that it's very

Derek A. King, M.S., P.E.  
08/19/2024

Page 205

1 were an origin for fire.

2 That's all. I've lost my train of  
3 thought.

4 MR. AYALA: Okay. That's it. Thank  
5 you.

6 -----

7 EXAMINATION

8 -----

9 BY MR. LAFLAMME:

10 Q. With respect to the Jetson Rogue and the  
11 recall that it underwent, you said you don't know  
12 the circumstances of the Kaufman fire, correct?

13 A. Correct.

14 Q. And you don't know whether there was an  
15 aftermarket charger that was used for the Kaufman  
16 use of that -- or charging of the hoverboard,  
17 correct?

18 A. Correct.

19 Q. And as far as you are aware, there's no  
20 potential issue with an improper charger or  
21 aftermarket charger being used by the Wadsworth  
22 family in this case?

23 MR. AYALA: Form.

24 A. I'm not aware.

25 \* \* \*

Derek A. King, M.S., P.E.  
08/19/2024

Page 207

1 C E R T I F I C A T E

2

3 I, DEBRA A. DIBBLE, RDR, CRR, CRC, Notary  
4 Public, do hereby certify:

5 That DEREK A. KING, M.S., P.E., the witness  
6 whose deposition is hereinbefore set forth, was duly  
7 sworn by me and that such deposition is a true  
8 record of the testimony given by such witness;

9 That pursuant to FRCP Rule 30, signature of  
10 the witness was requested by the witness or other  
11 party before the conclusion of the deposition;

12 I further certify that I am not related to any  
13 of the parties to this action by blood or marriage,  
14 and that I am in no way interested in the outcome of  
15 this matter.

16 IN WITNESS WHEREOF, I have hereunto set my  
17 hand on this 23rd day of August, 2024.

18 *Debra Dibble*  
19 Debra A. Dibble

20 Debra A. Dibble  
21 Fellow of the Academy of Professional Reporters  
22 Registered Diplomate Reporter  
23 Certified Realtime Reporter  
24 Notary Public 11/17/2027  
25 CA 14345

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